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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,032	02/19/2004	Matthew L. Sevcms	OM145	4277
26009	7590	06/15/2007		
ROGER M. RATHBUN 13 MARGARITA COURT HILTON HEAD ISLAND, SC 29926			EXAMINER BOTTORFF, CHRISTOPHER	
			ART UNIT	PAPER NUMBER
			3618	
			MAIL DATE	DELIVERY MODE
			06/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,032

Applicant(s)

SEVERNS, MATTHEW L.

Examiner

Christopher Bottorff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed April 23, 2007 has been entered. Claims 1-17 are pending with claims 10-17 being withdrawn from further consideration as being drawn to a nonelected invention. Claims 1-9 are under consideration.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al. US 5,497,766 in view of Frank et al. US 2002/0114983.

Foster et al. disclose a transport cart 12 latched to a patient care apparatus 10 for supporting a patient. See Figure 2. The patient care apparatus 10 has two spaced apart wheels 114 for contacting a floor, and the transport cart 12 also has wheels 22 for contacting the floor. See Figure 1. The transport cart 12 further has a latching means 118 to latch the transport cart to the patient care apparatus 10, with the wheels 22 of the transport cart 12 being positioned between the spaced apart wheels 114 of the patient care apparatus 10 to enable the movement of that patient care apparatus 10 by movement of the transport cart 12. See Figures 1 and 2; column 7, lines 26-36; column 1, lines 47-60; and column 2, lines 46-51. The transport cart 12 has

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a source of electrical power that is adapted to be electrically connected to the patient care apparatus 10 to supply electrical power to the patient care apparatus 10. See column 3, lines 42-51, and column 7, lines 48-51.

An infant may be a patient supported by the patient care apparatus 10 such that the patient care apparatus 10 is an infant care apparatus. The transport cart 12 has wheels 22 to enable it to be readily moved along with a patient care apparatus 10 in which the patient is an infant. See Figure 1.

Although Foster et al. envision the use of any suitable source of electrical power, Foster et al. do not disclose that a fuel cell is such a suitable source. However, Frank et al. teach the desirability of utilizing a fuel cell 200 as a source of electrical power on a cart. See paragraph 0010 and paragraph 0028, lines 2-4. A fuel reservoir 300 is provided to contain fuel for use in the fuel cell 200, and the fuel reservoir is readily replaceable. See paragraphs 0034 and 0043. Also, the fuel cell comprises a hydrogen-oxygen fuel cell. See paragraph 0012, lines 6-8.

Providing a fuel cell as the source of electrical power in the cart of Foster et al. would have been obvious to one of ordinary skill in the art at the time the invention was made. This would utilize a power source that is environmentally friendly such that it can be used indoors, would have few moving parts, is quiet, stable and reliable, and would not have the relatively short life and recharge requirements of an exclusively battery based system.

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Claims 4, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al. US 5,497,766 in view of Frank et al. US 2002/0114983 as applied to claim 1, and further in view of Negishi US 6,165,633.

The apparatus resulting from the combination of Foster et al. and Frank et al. does not specifically include a methanol fuel cell system that includes a reformer or utilize zinc pellets to create electrical power. However, Negishi teaches that providing a fuel cell system as a methanol system that includes a reformer 22 is desirable. See column 12, lines 1-7. The system of Negishi includes a fuel reservoir 28 to contain methanol in liquid form and the reformer 22 converts the liquid methanol into hydrogen gas that is used in the fuel cell. See column 15, lines 46-48. Negishi further teaches the desirability of utilizing zinc pellets in a fuel cell system to create electrical power. See column 17, lines 41-43, and column 17, line 56, through column 18, line 4.

Providing the fuel cell system of the apparatus resulting from the combination of Foster et al. and Frank et al. as a methanol system that includes a reformer would have been obvious to one of ordinary skill in the art at the time the invention was made. This would minimize the duration that hydrogen, a volatile fuel, is present in the system by storing and converting methanol rather than storing hydrogen. Also, utilizing zinc pellets in the fuel cell system that includes methanol and a reformer would have been obvious to one of ordinary skill in the art at the time the invention was made. This would assist in the reforming process.

Response to Arguments

Applicant's arguments with respect to the previous terms of rejection have been considered but are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (571) 272-6692. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher Bottorff